

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH A. DAOU and KAREN M. DAOU,

Plaintiff,

v.

BLC BANK, S.A.L., CREDIT LIBANAIS,
S.A.L., AL-MAWARID BANK, S.A.L., and
BANQUE DU LIBAN,

Defendants.

Case No. 1:20-cv-4438-DLC

**DECLARATION OF JEFFREY D. ROTENBERG IN SUPPORT OF DEFENDANTS’
MOTION TO DISMISS PLAINTIFFS’ FIRST AMENDED COMPLAINT**

JEFFREY D. ROTENBERG declares pursuant to 28 U.S.C. § 1746:

1. I am a member of the bar of the State of New York and am admitted to the bar of this Court. I am a partner with the law firm of DLA Piper LLP (US), attorneys for Defendants BLC Bank, S.A.L. (“BLC”), and Credit Libanais, S.A.L. (“CL”).

2. This declaration, together with the annexed exhibits, is being submitted in support of BLC and CL’s Motion to Dismiss plaintiffs Joseph Daou and Karen Daou’s (“Plaintiffs”) First Amended Complaint (*see* ECF No. 50).

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Elias Joseph Abimrad, General Controller, Head of Group Internal Audit at CL, dated and duly executed October 7, 2020.

4. Attached hereto as **Exhibit 2** is a true and correct redacted copy of the Declaration of Bassam Farid Hassan, Chief Executive Officer at BLC, dated and duly executed October 8, 2020. Pursuant to the Honorable Judge Cote’s Individual Rules and Practices (the “Individual Rules”)

7(A) and Federal Rule of Civil Procedure (“FRCP”) 5.2(a)(4), Exhibit 2 contains redactions of financial account numbers.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the CL “Agreement for Opening an Account / Accounts in Our Names at Your Bank With a Request To Issue Bank Payment Cards and Subscribe to the Bank’s Electronic Services,” dated March 9, 2016, duly executed by Joseph Daou on March 9, 2016, and duly executed by Karen Daou on March 21, 2019. Pursuant to Individual Rule 7(A) and FRCP 5.2(a), Exhibit 3 contains redactions of a financial account number.

6. Attached hereto as **Exhibit 4** is a true and correct copy of the BLC “General Operating Conditions Governing BLC Bank S.A.L.’s Accounts, Products And Services,” dated and duly executed by Joseph Daou on April 26, 2016. Pursuant to Individual Rule 7(A) and FRCP 5.2(a), Exhibit 4 contains redactions of a financial account number.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the BLC “General Operating Conditions Governing BLC Bank S.A.L.’s Accounts, Products And Services,” dated and duly executed by Karen Daou on April 27, 2016. Pursuant to Individual Rule 7(A) and FRCP 5.2(a), Exhibit 5 contains redactions of a financial account number.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the Wall Street Journal article, *Lebanese Protests Triggered by WhatsApp Tax Rattle Government*, by Nazih Osseiran and Dion Nissenbaum, dated October 18, 2019, 12:53 pm ET, last accessed October 9, 2020, and available at <https://www.wsj.com/articles/lebanese-protests-triggered-by-whatsapp-tax-rattle-government-11571413218>.

9. Attached hereto as **Exhibit 7** is a true and correct copy of the Financial Times article, *High Debt, High Deficit: Lebanon’s Economic Woes Fuelling Protests*, by Heba Saleh,

dated October 31, 2019, last accessed October 9, 2020, and available at <https://www.ft.com/content/c15c88de-fa35-11e9-98fd-4d6c20050229>.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the Wall Street Journal article, *Political Upheaval Tests Lebanon's Finances*, by Nikhail Lohade and Nazih Osseiran, dated November 8, 2017, 10:50 am ET, last accessed October 9, 2020, and available at <https://www.wsj.com/articles/political-upheaval-tests-lebanons-finances-1510156247>.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the Al Jazeera article, *Lebanon's Banks Reopen After Two-week Closure*, by Timour Azhari, dated November 1, 2019, last accessed October 9, 2020, and available at <https://www.aljazeera.com/economy/2019/11/1/lebanons-banks-reopen-after-two-week-closure>.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the Reuters article, *Queues Build at Lebanese banks Reopening After One-Week Closure*, dated November 19, 2019, 2:37 am ET, last accessed October 9, 2020, and available at <https://reuters.com/article/us-lebanon-protests-banks-idUSKBN1XT0TR>.

13. Attached hereto as **Exhibit 11** is a true and correct copy of the Reuters article, *Banks Erect Financial "Fence" as Crisis Sweeps Lebanon - Association Head*, by Tom Perry, dated November 20, 2019, 11:48 am ET, last accessed October 9, 2020, and available at <https://www.reuters.com/article/us-lebanon-protests-banks/banks-erect-financial-fence-as-crisis-sweeps-lebanon-association-head-idUSKBN1XU278>.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the Reuters article, *IMF Says Lebanon Requests Technical Help on Economy*, by Reuters Staff, dated February 12, 2020, 5:29 am ET, last accessed October 9, 2020, and available at <https://www.reuters.com/article/us-lebanon-crisis/imf-says-lebanon-requests-technical-help-on-economy-debt-idUSKBN2061A6>.

15. Attached hereto as **Exhibit 13** is a true and correct copy of the Al Arabiya article, *Lebanon Government Approves Financial Economic Plan*, by Lauren Holtmeier, dated April 30, 2020, last accessed October 9, 2020, and available at <https://english.alarabiya.net/en/News/middle-east/2020/04/30/Lebanon-government-approves-financial-economic-plan>.

16. Attached hereto as **Exhibit 14** is a true and correct copy of the International Monetary Fund (“IMF”) press release, *Statement by IMF Managing Director Kristalina Georgieva on the International Conference on Support to Beirut and the Lebanese People*, dated August 9, 2020, last accessed October 9, 2020, and available at <https://www.imf.org/en/News/Articles/2020/08/09/pr20278-statement-by-imf-md-kristalina-georgieva-int-conference-support-beirut-lebanese-people>.

17. Attached hereto as **Exhibit 15** is a true and correct copy of the Declaration of Patrick Soumrani, Lebanese legal expert, dated and duly executed October 7, 2020.

18. Attached hereto as **Exhibit 16** is a true and correct copy of the Declaration of Nasri Antoine Diab, Lebanese legal expert, dated and duly executed October 9, 2020.

19. Attached hereto as **Exhibit 17** is a true and correct copy of the BLC Instruction Notice, directed “To the attention of BLC Bank sal,” with the “Subject: Sending Instructions via Email,” and duly executed by Joseph Daou. Pursuant to Individual Rule 7(A) and FRCP 5.2(a), Exhibit 17 contains redactions of the day and month of Mr. Daou’s birthdate and redactions of a financial account number.

Dated: November 20, 2020
New York, New York

/s/ Jeffrey D. Rotenberg
Jeffrey D. Rotenberg

CERTIFICATE OF SERVICE

I hereby certify that I am one of the attorneys for the defendant in this action and that on November 20, 2020, I caused a copy of the foregoing to be filed with the Court's ECF system, which will cause notice of its filing to be served electronically upon all counsel who have appeared in this action.

/s/ Jeffrey D. Rotenberg
Jeffrey D. Rotenberg